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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,169	09/21/2000	Vipul Bansal	JP920000235US1	8125

7590 10/25/2004
MCGINN & GIBB, PLLC
2566-A RIVA ROAD
SUITE 304
ANNAPOLIS, MD 21401

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,169

Applicant(s)

BANSAL ET AL.

Examiner

Geoffrey Akers

Art Unit

3625

Handwritten initials

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,8-15,17,19-26,28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8-15,17,19-26,28,30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reply to Request for Continued Examination(RCE)

1. This action is issued in reply to applicant's Request for Continued Examination(RCE) filed 4/14/04.
2. Claims 7, 18, 29 have been cancelled. Claims 1, 6, 8-12, 17, 20-23, 28, 30-33 were amended.
3. Claims 1-4, 6, 8-15, 17, 19-26, 28, 30-33 are pending.

Claim Rejections - 35 USC § 103

4. Claims 1-4, 6, 8-15, 17, 19-26, 28, 30-33 are rejected under 35 USC 103(a) as unpatentable over Heberman(US Pat. No: 5,826,244) in view of Johnson(US Pat. No: 6,047,274). The rejections as cited in the Final Office Action dated 1/14/04 are maintained and referenced herein.
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Response to Arguments

5. Applicant's arguments are not persuasive. Huberman teaches constraints from a group consisting of specified limits on the values of the bids that can be placed by an agent(col 10 lines 6-21)(Figs 3a/3b). For a given set of N constrained bids this will also define a specified total value of all N constrained bids. Although Johnson does not specifically provide for an agent, it would be an obvious modification to utilize conduits(agents) to act on behalf of principals(providers) to provide such value(energy) to consumers. The agent is an alternate standing in lieu of the principal.

Conclusion

6. THIS ACTION IS MADE NON-FINAL.

7. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mrs. Wynn Coggins, SPE, may be telephoned at (703)-308-1344.

October 20,2004



DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER